IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
Shunpei **YAMAZAKI** et al.	)	Group Art Unit: 2815
Application No. 08/520,079	)	Examiner: Jay C. Kim
Filed: August 28, 1995	)	Confirmation No. 1321
For: SEMICONDUCTOR CIRCUIT FOR ELECTRO-OPTICAL DEVICE AND METHOD FOR MANUFACTURING THE SAME	)	Date: October 16, 2009

REQUEST FOR RECONSIDERATION

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Non-Final Office Action dated June 16, 2009, Applicant respectfully requests reconsideration of the present application.

REMARKS

The Non-Final Office Action of June 16, 2009 was received and carefully reviewed. Claims 87, 88, 90-92, 123, 124, 126-128, 137, 143 and 149 were pending prior to the instant amendment. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 87, 88, 90 and 92 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takemura (U.S. Patent No. 5,534,716). Claims 91, 123, 124, 126-128, 137, 143 and 149 were rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura in view of Zhang et al. (U.S. 5,403,772, hereinafter "Zhang"). However, the subject matter of Takemura is disqualified as prior art in accordance with the MPEP 706.02(l)(3) for examination procedure with respect to 35 U.S.C. 103(c). Thus, in accordance with the

MPEP, the present application and Takemura were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). Hence, Takemura is not available as prior art under 35 U.S.C. §103(a).

Zhang fails to cure the deficiencies of Takemura, because the Office has failed to demonstrate how Zhang, alone, discloses or fairly suggests each and every feature recited in the claims. Thus, the Office has failed to establish a *prima facie* case of obviousness, and the rejection is improper. In accordance with the M.P.E.P. § 2143.03, to establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that Zhang, taken alone or in any proper combination, fails to disclose or suggest the subject matter as recited in the claims. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 87 or 123 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 87 and 123.

In addition, each of the dependent claims also recites combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary

embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

NIXON PEABODY, LLP

/Marc W. Butler, Reg. #50,219/
Marc W. Butler
Registration No. 50,219

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000
Fax: 202-585-8080